

**BOARD OF APPEALS CASE NO. 5101**

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**BEFORE THE**

**APPLICANT: Tabernacle of Faith Church**

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**ZONING HEARING EXAMINER**

**REQUEST: Expansion of a non-conforming structure to construct an addition 50% larger than the existing church; 315 N. Earlton Road, Havre de Grace**

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**OF HARFORD COUNTY**

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**Hearing Advertised**

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**Aegis: 11/29/00 & 12/6/00**

**HEARING DATE: January 8, 2001**

**Record: 12/1/00 & 12/8/00**

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## **ZONING HEARING EXAMINER'S DECISION**

The Applicant, Tabernacle of Faith Church, is seeking to enlarge a non-conforming use pursuant to Section 267-21 of the Harford County Code and a variance pursuant to Section 267-21B of the Harford County Code to exceed 50% of the gross square footage of the existing structure in an AG District.

The subject property is located at 315 N. Earlton Road and is more particularly identified on Tax Map 44, Grid 2C, Parcel 428. The parcel consists of 2.24 acres more or less, is zoned AG/Agricultural and is entirely within the Second Election District.

Pastor James E. Axel appeared on behalf of the Applicant and testified that the Church had existed at this site for many years. The parcel itself is oddly shaped, with less than 100 feet of frontage on Earlton Road. The front portion of the property is used for parking while the balance of the property is used for existing church building, utility shed, children's play area, a concrete pad with basketball hoop and the well and septic system. Found in the surrounding areas are generally single family residences, pasture and areas of dense woodland. The Applicant is proposing an addition to the existing church building. The existing church is approximately 3,860 square feet and the addition is 3,020 square feet. The addition will be used for private counseling, workshops, small group seminars and allow accommodation of diverse groups within our Family Life Center. There is a 50 foot front extension that will add office space, restroom area and a large lobby. Additionally, the enlargement will make the entire facility more handicapped accessible. The Pastor did not think there would be any adverse impact on neighboring properties as a result of the addition, nor would traffic increase as a result.

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The Department of Planning and Zoning supports the request finding that , "...the property is uniquely shaped. The proposed location for the additions appear to be the most practical alternatives. The requested variance will not adversely impact the neighborhood or the intent of the Code."

There were no persons appearing in opposition to the Applicant's request.

### **CONCLUSION:**

Section 267-21 provides:

- A. The proposed extension or enlargement does not change to a less-restricted and more-intense use.
- B. The enlargement or extension does not exceed fifty percent (50%) of the gross square footage in use at the time of the creation of the nonconformity.
- C. The enlargement or extension does not violate the height or coverage regulations for the district.
- D. The enlargement or extension would not adversely affect adjacent properties, traffic patterns or the surrounding neighborhood.
- E. The limitations, guides and standards set forth in § 267-9I, Limitations, guides and standards, are considered by the Board.

The Harford County Code, pursuant to 267-11 permits variances and provides:

"Variances from the provisions or requirements of this Code may be granted if the Board finds that:

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Code would result in practical difficulty or unreasonable hardship.
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Code or the public interest."

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The Hearing Examiner finds that the Applicant meets or exceeds the requirements of Section 267-21. Referring to the “Limitations, Guides and Standards” set forth in 267-9I, the Hearing Examiner finds no adverse impacts associated with the proposed use. The subject property is unique and the unique shape limits any practical location of an enlargement to the location proposed by the Applicant herein.

The Hearing Examiner recommends approval of the request subject to the condition that the Applicant obtain any and all necessary permits and inspections.

Date     JANUARY 26, 2001

William F. Casey  
Zoning Hearing Examiner